

THE LAW OFFICES OF KENNETH ARTHUR RIGBY, PLLC

**Attorneys at Law
15 Maiden Lane, Suite 1500
New York, New York 10038
(212) 629-7575
Direct Dial (646) 490-9689
Facsimile (212) 629-9090
E-Fax (646) 863-4248**

March 10, 2014

United States District Court
Eastern District of New York
225 Cadman Plaza East
Room 1217 (Chambers)
Brooklyn, New York 11201

Attention: Hon. Steven M. Gold
Chief Magistrate Judge

Re: Patrick Gill v. Christoph S. Bahlmann and Perini Corporation (United States District
Court, Eastern District of New York; Case Number CV13 4477)
Our File Number: PZ-0015

Dear Chief Magistrate Judge Gold:

This law office represents the defendants, Christoph S. Bahlmann and Perini Corporation, in the above-referenced matter. We are writing to request an extension of time to conduct fact and expert disclosure. This is the first request for an extension of time. A telephone call to the plaintiff's counsel last week, on March 5, 2014, to discuss the status of this matter and a request for an extension of the previously issued scheduling order, has not been returned; so we do not know, one way or the other, whether the plaintiff's counsel consents to this request, although a very detailed message was left for counsel.

An Initial Conference Hearing was held on December 9, 2013, at which time the following schedule was set:

1. Plaintiff to serve expert disclosure by February 3, 2014.
2. Fact discovery to be completed by March 3, 2014.
3. Defendants may conduct IME's of plaintiff and serve expert reports by March 17, 2014.
4. Next conference on April 4, 2014.

An extension of time to conduct fact and expert disclosure is needed because we still are in the process of obtaining the plaintiff's records pursuant to written authorizations, including the plaintiff's medical, no-fault, pharmacy, and employment records. This part of the discovery process, unfortunately,

United States District Court
Eastern District of New York
Attention: Hon. Steven M. Gold
Chief Magistrate Judge

March 10, 2014

Page 2

is taking longer than we anticipated or hoped it would take at the time of the Initial Conference Hearing. More time is needed to conduct documentary discovery that is a predicate to conducting deposition discovery; and then to conduct depositions and expert discovery, including examinations of the plaintiff by physicians and/or other specialists.

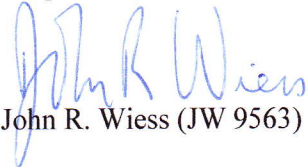
At this time, we are requesting that your Honor maintain April 4, 2014, as the date for the next conference in this matter, but convert that conference from a Settlement Conference to a Status Conference. At this time, as required by your Honor's Individual Practices, we propose the following revised scheduling order:

1. Status Conference on April 4, 2014.
2. Plaintiff to serve expert disclosure by June 2, 2014.
3. Fact discovery to be completed by June 2, 2014.
4. Defendants may conduct IME's of plaintiff and serve expert reports by June 30, 2014.
5. Settlement Conference on July 14, 2014.

Since the proposed disclosure dates fall after April 4, 2014, and are being proposed by this law office without any input from the plaintiff's counsel, perhaps your Honor would consider waiting until the upcoming conference next month to address the matter and specifics of a revised scheduling order, based on the circumstances as they then exist.

Thank you for your consideration of this request.

Respectfully submitted,


John R. Wiess (JW 9563)

JRW/jrw

cc: David L. Scher, Esq.
Block O'Toole & Murphy, LLP
Attorneys at Law
One Penn Plaza, Suite 5315
New York, New York 10119